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 BARBARA ANN SALDINGER

IN THE UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA

BARBARA ANN SALDINGER,

Petitioner,

v.

SANTA CRUZ COUNTY SUPERIOR
 COURT,

Respondent.

Case No. CV 10-3147 SBA

**SUPPLEMENTAL MEMORANDUM IN
 SUPPORT OF STAY OF SENTENCE**

Petitioner Saldinger has been ordered to begin serving her 60 day jail term through the Santa Cruz County Sheriff's work program beginning on this Monday, August 23rd. Her request for a stay of that sentence pending this Court's decision of this pending habeas corpus action is now before the Court for decision.

In its opposition to petitioner's stay motion, filed on July 27, 2010, the state cited as a reason for denying a stay the fact that no order to show cause had yet been issued by this Court. (Opp., at 2) That order to show cause was subsequently issued on August 5, 2010. That order properly granted the state 30 days to file its opposition on the merits, as well as permitting petitioner 30 days to reply to the state's answer. Given that schedule, it is clear, as respondent recognizes that unless a stay is granted, petitioner will "serve her short term in jail before a decision on the merits could be reached herein." (Opp., at 12)

Considerations of equity wholly favor the grant of a stay. It is simply incontestable that

1 should relief on the merits ultimately be denied on this matter, petitioner will be readily
2 available to serve the sentence imposed by the state court. On the other hand, if the stay is
3 denied and petitioner's habeas claim is subsequently sustained, she will have suffered a loss of
4 liberty that cannot be possibly be remedied.

5 **CONCLUSION**

6 For the foregoing reasons, Dr. Saldinger respectfully asks this Court to order the
7 execution of her sentence stayed and to continue her release on bail on existing conditions
8 pending decision of her Petition for Writ of Habeas Corpus by this Court.

9 Dated: August 19, 2010

Respectfully submitted,

10 RIORDAN & HORGAN

11 /s/ Dennis P. Riordan

12 By: Dennis P. Riordan

13 Counsel for Petitioner
14 BARBARA ANN SALDINGER